

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 2:23-cr-95
)	
BRANDON TYLER LINDSEY,)	
)	
Defendant.)	

STATEMENT OF FACTS

The United States and the defendant, BRANDON TYLER LINDSEY, agree that the allegations in Count One of the Indictment are true and correct, and that had the matter gone to trial the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. At all times during the actions listed below, defendant BRANDON TYLER LINDSEY was an active duty Airman in the United States Air Force stationed at Seymour Johnson Air Force Base in North Carolina. LINDSEY routinely traveled to his home of record in Chesapeake, Virginia when he was not working.
2. In 2018 or 2019, LINDSEY developed a method to entice underage girls to engage in sexual conversations—and later sexually explicit conduct (SEC). LINDSEY created a standard message that he would send to every girl he targeted, strike up a conversation with them on Instagram, like their photos, and then look through their friends to find more girls to target. The ones who responded would be the ones that LINDSEY would talk to and attempt to meet. LINDSEY would usually lie about his age during these interactions to say he was 19 or, later, that he was 17.

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3. From in or about June 2020 through in or about June 2021, LINDSEY engaged in sexual communications with Minor Victim 1 of the Indictment. LINDSEY falsely said that he was 17 years old, and Minor Victim 1 claimed she was 13 years old. Minor Victim 1 was actually 12 years old. LINDSEY knew Minor Victim 1 was a minor. LINDSEY asked Minor Victim 1 to take photographs of herself in specific poses, including of her exposed breasts, her vagina, her buttocks, and a photograph of her bent over, exposing both her vagina and anus.

4. LINDSEY and Minor Victim 1 engaged in sexual acts twice. Prior to their second meeting, LINDSEY attempted to convince Minor Victim 1 to engage in anal intercourse. LINDSEY told Minor Victim 1 that other girls her age had allowed him to anally penetrate them. LINDSEY first picked up Minor Victim 1 and a minor witness in his car. Minor Victim 1 performed oral sex on LINDSEY in the car in front of the minor witness. LINDSEY offered Minor Victim 1 alcohol on both occasions and a sleeping pill once so that she would not feel pain during sex.

5. On December 2, 2020, Minor Victim 1's mother confronted LINDSEY over Instagram and informed him that she intended to report his behavior to the police. LINDSEY received this message and viewed it.

6. In response to Minor Victim 1's mother's message, LINDSEY contacted his friends to help him conceal his connection to Minor Victim 1. He altered his own Instagram display name and asked his friends to check Minor Victim 1's Instagram account to ensure that hers showed no connection to him at the time of his engaging in SEC with her.

7. On January 31, 2022, LINDSEY conducted the following searches on his cellular telephone:

- a. Petite anal creampie

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- b. Small anal creampie
 - c. Child anal sex video
 - d. Teen anal creampie load
 - e. Teen anal creampie
 - f. Child anal sex video
 - g. Child anal sex
8. On February 6, 2022, LINDSEY had the following web history:
- a. Air force rape punishments
 - b. UCMJ Article 120 Rape and Sexual assault
9. On February 28, 2022, LINDSEY attempted to delete the visual depictions of minors engaged in SEC from his iCloud after his cellular telephone was seized by law enforcement that same day.
10. After LINDSEY's arrest in this case, he possessed a new cellular telephone that contained visual depictions of minors engaged in SEC. These images were kept in his phone gallery and KeepSafe account.
11. LINDSEY identified visual depictions of multiple minor females engaged in SEC during his post-arrest interview after knowingly waiving his *Miranda* rights. LINDSEY voluntarily provided additional details on some of these minors.
12. Snapchat, Instagram, iMessaging, FaceTime, and text messaging necessarily utilize the Internet. The Internet, a global network of computers with which one communicates when on-line, is a network that crosses state and national borders, and is a facility of interstate and foreign commerce.

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13. LINDSEY's cell phones were Internet-capable and manufactured outside of the Commonwealth of Virginia. LINDSEY's conduct affected interstate and foreign commerce when he utilized his cell phones and or computers to access the internet for purposes of engaging in SEC with minors.

14. The acts taken by the defendant, BRANDON TYLER LINDSEY, in furtherance of the offense charged in this case, including the acts described above, were done willfully and knowingly with the specific intent to violate the law and were not committed by mistake, accident, or other innocent reason.

15. The defendant acknowledges that the foregoing Statement of Facts includes those facts necessary to support the plea agreement between the defendant and the government. It does not describe all of the defendant's conduct relating to the offenses charged in this case, does not identify all of the persons with whom the defendant may have engaged in illegal activities, and is not intended to be a full enumeration of all the facts surrounding the defendant's case.

JESSICA D. ABER
UNITED STATES ATTORNEY

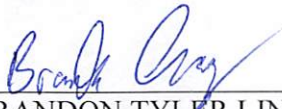
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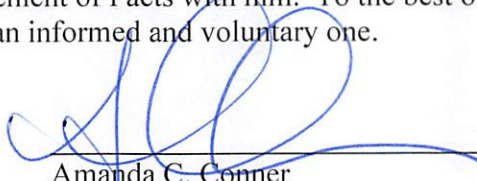
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Defendant's Signature: After consulting with my attorney and pursuant to the plea agreement entered into this day between myself, the United States and my attorney, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



BRANDON TYLER LINDSEY
Defendant

Defense Counsel's Signature: I am the attorney for defendant BRANDON TYLER LINDSEY. I have carefully reviewed the above Statement of Facts with him. To the best of my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Amanda C. Conner
Counsel for Defendant


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